

AGING, DEPARTMENT ON[17]

Adopted and Filed

Rule making related to department organization

The Department on Aging hereby amends Chapter 2, “Department on Aging,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 231.14 and 17A.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 231.22.

Purpose and Summary

This amendment changes the divisions of the Department on Aging. There was new legislation passed on the federal level related to the Office of the State Long-Term Care Ombudsman. On a monitoring visit, the Administration for Community Living noted that the organization of the Iowa Department on Aging was inconsistent with 45 CFR § 1324.11(c). This amendment will put the Department in compliance with federal law. The Department also combined two divisions to reflect a cross-pollination of responsibilities.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 6, 2017, as **ARC 3478C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on March 1, 2018.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 17—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on May 2, 2018.

The following rule-making action is adopted:

Amend rule 17—2.5(231) as follows:

17—2.5(231) Organizational units of the department. The department's activities are performed by employees within the office of the director and ~~three~~ two divisions. Grants will be managed by the appropriate division, dependent upon the source and intended use of funds.

2.5(1) Office of the director. The office of the director may be comprised of the director, the assistant director, the state long-term care ombudsman, the policy coordinator, the public information officer, and other personnel. This office is responsible for the overall planning, policy, management and operations of the department.

2.5(2) Division of programs, planning, and administration. The responsibilities of the division of programs, planning, and administration include the development and operation of home- and community-based programs, development of program and operational budgets, providing leadership and direction for the integration of policy development, ensuring that policies are consistent with department goals and results, and accounting and administrative control of appropriation expenditures.

~~**2.5(3) Division of policy and planning.** The responsibilities of the division of policy and planning include providing leadership and direction for the integration of policy development and ensuring that policies are consistent with department goals and results.~~

~~**2.5(4) Division of elder rights.** The responsibilities of the division of elder rights include development, administration, and operation of the program and budget for the office of the state long-term care ombudsman and other programs impacting elder rights.~~

2.5(3) Office of the state long-term care ombudsman. The responsibilities of the state long-term care ombudsman include development, administration, and operation of the program and allocated budget to provide advocacy for individuals residing in long-term care.

[Filed 3/6/18, effective 5/2/18]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/28/18.